

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, APRIL 5, 2007**

**Invocation:** Pastor Rick Randall, Austin Cornerstone Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 5, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:15 a.m.

**Announcement of Proposed Items for Upcoming Council Meetings.**

The Mayor asked Council Members to report on upcoming agenda items:

- Mayor Wynn and Mayor Pro Tem Dunkerley indicated they will be bringing sponsorship of the First Night Austin event.
- Council Member Cole and Mayor Pro Tem Dunkerley will be bringing requests to approve the tax increment finance district and create an advisory council for the Waller Creek project.
- Council Member Leffingwell announced the presentation of the Water Conservation Task Force recommendations has been postponed to May 3, 2007.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Cole's motion, Council Member Kim's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of March 22, 2007 and special called meetings of March 26 and 27, 2007.  
The minutes from the regularly scheduled meeting of March 22, 2007 and special called meetings of March 26 and 27, 2007 were approved.
2. Approve the purchase of approximately 11 acres of land out of the Santiago Del Valle Grant, Abstract 24, from RPC INVESTMENTS, INC. and THE NATURE CONSERVANCY, Austin, TX, located at the southeast corner of Riverside Drive and Grove Boulevard for future use by Austin Energy, in an amount not to exceed \$1,367,690 including closing costs. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. A fiscal note is attached. Recommended by the Electric Utility Commission.  
The motion authorizing the purchase of approximately 11 acres of land was approved.
3. Approve the purchase of Lot B-2, Marshall Hill Section One-Lot B-2, located at 2201 Grove Boulevard, from PHOTRONICS TEXAS I, LP, a Texas Limited partnership, for future use by Austin Energy, in an

amount not to exceed \$864,937 including closing costs. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.

**The motion authorizing the purchase of Lot B-2 was approved.**

4. Authorize execution of 8-month contracts under the HIV Prevention Projects grant for the delivery of HIV-related services with AIDS SERVICES OF AUSTIN, Austin, TX in an amount not to exceed \$64,301; WRIGHT HOUSE WELLNESS CENTER, Austin, TX in an amount not to exceed \$64,301; and, AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER CARE PROGRAM, Austin, TX in an amount not to exceed \$91,993. Funding in the amount of \$220,595 is available in the Fiscal Year 2006-2007 Budget of the Health and Human Services Department Special Revenue Fund, HIV Prevention Projects grant. The contract period is January 1, 2007 through August 31, 2007, concurrent with the grant period. There are no renewal options.

**The motion authorizing the execution of contracts with Aids Services of Austin, Wright House Wellness Center and Austin Travis County Mental Health Mental Retardation Center Care Program was approved.**

5. Authorize execution of 12-month contracts for HIV-related services with AIDS SERVICES OF AUSTIN, INC., Austin, TX in an amount not to exceed \$218,072; AUSTIN LATINO/A GAY ORGANIZATION (ALLGO), Austin, TX in an amount not to exceed \$159,908; AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, Austin, TX in an amount not to exceed \$49,398; THE WRIGHT HOUSE WELLNESS CENTER, INC., Austin, TX in an amount not to exceed \$114,600; and PROJECT TRANSITIONS, INC., Austin, TX in an amount not to exceed \$53,022. Funding in the amount of \$347,083 is available in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department. The contract period is March 1, 2007 through February 28, 2008. Funding for the remaining five months of the contract period is contingent on available funding in future budgets.

**The motion authorizing the execution of contracts with Aids Services of Austin Inc., Austin Latino/A Gay Organization (ALLGO), Austin Travis County Mental Health Mental Retardation Center, The Wright House Wellness Center, Inc. and Project Transitions, Inc. was approved.**

6. Approve a resolution adopting the City's Vision Statement and four Citywide Strategic Priorities: Rich Social and Cultural Community; Vibrant Urban Fabric; Healthy, Safe City; and, Sustainable Economic Development and Financial Health to realize this vision.

**Resolution No. 20070405-006 was approved.**

7. Approve an ordinance for the full purpose annexation of the Avery Ranch Annexation Area, Group 2 (approximately 46 acres in Williamson County, located south of the intersection of Avery Ranch Boulevard and Nearabout Road); and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments that will be providing the services.

**Ordinance No. 20070405-007 was approved.**

8. Approve an ordinance for the full purpose annexation of the Blazier Elementary School Area (approximately 19 acres in southern Travis County, located south of the intersection of Thaxton Road and Nuckols Crossing Road); and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments that will be providing the services.

**Ordinance No. 20070405-008 was approved.**

9. Approve an ordinance authorizing the acceptance of \$93,000 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division; and amending the Fiscal Year 2006-2007 Austin Police Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$93,000 for overtime forensic services and to purchase equipment and supplies for DNA analysis. Funding is available from the State of Texas, Office of the Governor, Criminal Justice Division for the grant period of January 1 - June 30, 2007. A match is not required.  
**This item was postponed to April 19, 2007.**
10. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Bergstrom International Airport Noise Mitigation Program to acquire the fee simple interest in Tract A of Bergstrom Arms Subdivision, a Subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 67, Page 42 of the Plat Records of Travis County, Texas, in the amount of \$4,400,000. The owner of the needed property interest is CJM Investments LLC, a Minnesota Limited Liability Company. The property is located at 2419 Cardinal Loop, Del Valle, TX. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Aviation Department, including Federal Aviation Administration (FAA) Grant funds. Recommended by the Austin Airport Advisory Commission.  
**Resolution No. 20070405-010 was approved.**
11. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3-Parker Lane/Metcalf Road Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 4,706 square-foot permanent wastewater line easement and an 871 square-foot temporary working space easement out of Tract A, Willow Creek Commercial, a subdivision in Travis County, TX, in the amount of \$5,610. The owner of the needed property interests is Intco-Bristol Square Partnership, a Texas general partnership. The property is located at 2364 Douglas Street, Austin, Travis County, TX. Funding is included in the Fiscal Year 2006-2007 Capital Budget of the Austin Water Utility.  
**This item was withdrawn.**
12. Authorize execution of an amendment to the contract with SPAWGLASS CONTRACTORS, INC., Austin, TX, in an amount not to exceed \$1,013,377 for the Austin-Bergstrom International Airport Elevator and Escalator Improvement Project for a total contract amount not to exceed \$1,572,517. Funding in the amount of \$1,013,377 is available in the Fiscal Year 2006-2007 Capital Budget of the Aviation Department. This contract was awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 1.39% DBE; 1.72% MBE and 0.00% WBE subcontractor participation. Recommended by the Austin Airport Advisory Commission.  
**The motion authorizing the execution of an amendment to the contract with Spawglass Contractors, Inc. was approved.**

**Items 13 and 14 were pulled for discussion.**

15. Authorize award, negotiation, and execution of a 12-month requirements service contract with LCG CONSULTING, Los Altos, CA to perform a Texas Nodal Locational Marginal Price (LMP) Impact Analysis and Risk Assessment in an estimated amount not to exceed \$104,350, with two 12-month extension options in an estimated amount not to exceed \$104,350 per extension option, for a total estimated contract amount not to exceed \$313,050. Funding in the amount of \$52,175 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of six proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award, negotiation, and execution of a requirements service contract was approved.**

16. Authorize award, negotiation, and execution of a contract with ABEAM CONSULTING (USA) LTD., Irving, TX, for the purchase of data conversion services, software installation, and training in an amount not to exceed \$69,600. Funding is available in the Fiscal Year 2006-2007 Operating Budget for Austin Energy. Best evaluated proposal of two proposals received. This purchase will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award, negotiation, and execution of a contract with Abeam Consulting (USA) Ltd was approved.**

17. Authorize award and execution of a contract with BASLER ELECTRIC, Highland, IL, for the purchase of three automatic voltage regulators for gas turbine generators at the Decker Creek Power Station in an amount not to exceed \$89,964. Funding is available in the Fiscal Year 2006-2007 Capital Budget of Austin Energy. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Basler Electric was approved.**

18. Authorize award, negotiation, and execution of a 60-month requirements service contract with SISK-ROBB, INC., Austin, TX, and AAR, INC., Houston, TX, for asbestos abatement needs in an estimated combined amount not to exceed \$3,875,000. Funding in the amount of \$137,500 is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Funding in the amount of \$250,000 is available in the budgets of various departments. Funding for the remaining 54 months of the original contract period is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award, negotiation, and execution of a requirements service contract was approved.**

19. Authorize award and execution of a contract with LAKESIDE EQUIPMENT CORPORATION, Bartlett, IL, for the purchase of an inlet screen assembly for the Austin Water Utility's Hornsby Bend Wastewater Treatment Plant in an amount not to exceed \$63,403. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Water Utility. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Lakeside Equipment Corporation was approved.**

20. Authorize award and execution of a 12-month requirements supply contract through the State of Texas Building and Procurement Commission with SANOFI PASTEUR, Swiftwater, PA, for influenza vaccine in an estimated amount not to exceed \$256,994.10, with one 12-month extension option in an estimated amount not to exceed \$256,994.10, for a total contract amount not to exceed \$513,988.20. Funding is available in the Fiscal Year 2006-2007 Operating Budgets of the following departments: Community Care Services, \$117,579; Health and Human Services, \$87,904.30; Human Resources, \$39,193; Austin Fire, \$8,398.50; Emergency Medical Services, \$2,799.50; Public Safety and Emergency Management, \$1,119.80. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the

City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract was approved.**

21. Authorize award, negotiation, and execution of a 36-month requirements service contract with BANK OF AMERICA, Austin, TX, for depository services in an estimated amount not to exceed \$575,388, with two 12-month extension options in estimated amounts not to exceed \$201,465 for the first extension option, and \$206,501 for the second extension option, for a total estimated contract amount not to exceed \$983,354. Funding in the amount of \$93,540 is available from Investment Pool Income for Fiscal Year 2006-2007. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated application of three applications received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award negotiation and execution of a requirements service contract was approved.**

22. Authorize award and execution of Amendment No. 3 to a requirements supply contract with SUN COAST RESOURCES, INC., Houston, TX, to increase the current term of the contract for the supply of gasoline and diesel fuel in an estimated amount not to exceed \$2,054,258 and increase the remaining three extension options in estimated amounts not to exceed \$2,115,886, \$2,179,362, and \$2,244,743 respectively, for a revised total estimated contract amount not to exceed \$50,948,952. Funding is available in the Fiscal Year 2006-2007 Operating Budgets of various City departments. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment. This contract was awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

**The motion authorizing the award and execution of amendment number 3 to a requirements supply contract was approved.**

23. Authorize award and execution of a 36-month requirements supply contract with BAKER & TAYLOR, INC., Charlotte, NC for the purchase of standing order books in an estimated amount not to exceed \$309,495, with three 12-month extension options in an estimated amount not to exceed \$130,165 per extension option, for a total estimated contract amount not to exceed \$618,990. Funding in the amount of \$51,582 is available in the Fiscal Year 2006-2007 Operating Budget of the Library Department. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest responsive bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract was approved.**

24. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

**The following appointments were made:**

Board/  
Appointee

Consensus/  
Council Nominee

Appointment/  
Reappointment

Community Development Commission

Eldridge Nelson

Council Member Cole's

Appointment

Environmental Board

Mary Ann Neely

Council Member Leffingwell's

Appointment

**Item 25 was pulled to be heard after the related Executive Session item.**

26. Approve a resolution amending the City's Legislative Program to reflect support for Senate Bill 952, permitting alcohol service in sidewalk dining settings where the tables are separated from the establishment by a pedestrian sidewalk. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken)  
**Resolution No. 20070405-026 was approved.**
27. Approve a resolution amending the City's Legislative Program to reflect support for House Bill 3039 to prohibit the Texas Commission on Environmental Quality from issuing permits authorizing direct discharges of wastewater into the contributing zone or recharge zone of the Barton Springs segment of the Edwards Aquifer. (Council Member Lee Leffingwell Council Member Mike Martinez Council Member Jennifer Kim)  
**Resolution No. 20070405-027 was approved.**

**Items 28 and 29 were pulled for discussion.**

30. Approve a resolution directing the City Manager to provide staff support to a Council led stakeholder process to recommend revisions to the Planned Unit Development (PUD) and Planned Development Agreement (PDA) portions of the Land Development Code including recommendations concerning revisions to the provisions governing the process for considering PUD's and PDA's, Chapters 25-1 and 25-2 of the City Code. (Council Member Brewster McCracken Council Member Mike Martinez and Council Member Lee Leffingwell)  
**Resolution No. 20070405-030 was approved.**
31. Approve a resolution directing the City manager to review and comment on a draft ordinance regarding Board and Commission structure and administration. (Council Member Lee Leffingwell Council Member Mike Martinez Mayor Pro Tem Betty Dunkerley)  
**Resolution No. 20070405-031 was approved.**
32. Approve a resolution authorizing the City of Austin's participation in the Fourth Annual Texas Round-Up Health and Fitness Initiative, including the 10K, 5K, and Family Mile run, to be held in Austin, TX on Saturday, April 28, in support of the Round-Up's mission to improve the health of Texas through education and promoting physical of activity and healthy living, and to execute the necessary participation agreement. (Mayor Will Wynn Council Member Mike Martinez )  
**Resolution No. 20070405-032 was approved.**
33. Approve waiver of Park rental fees in an amount not to exceed \$100 for the 2007 Cesar E. Chavez Day March, to be held on March 31, 2007, for the A.B. Cantu Pan-American Recreation Center, located at 2100 East 3rd Street. (Council Member Mike Martinez Council Member Lee Leffingwell )  
**The motion authorizing the waiver of park rental fees in an amount not to exceed \$100 was approved.**
34. Set a public hearing to receive public comment on the location of a south day labor site at 2201 East Ben White Boulevard (Suggested date and time: April 12, 2007, at 6:00 p.m., Austin City Hall, 301 W. Second St.)

The public hearing was set for April 12, 2007 at 6:00 p.m., Austin City Hall, at 301 West Second Street.

55. Approve an ordinance authorizing the issuance of City of Austin, Texas Water and Wastewater System Revenue Refunding Bonds, Series 2007 A in the approximate amount of \$65,000,000, and authorizing and approving related documents, and repealing Ordinance No. 20070322-028 and any accompanying documents.  
**This item was withdrawn.**
56. Approve a resolution authorizing the use of Town Lake for four water events associated with the annual Capital 2K open water race and the Capital of Texas Triathlon to be held on April 9, April 12, May 6 and May 28, 2007 respectively. (Mayor Will Wynn and Council Member Mike Martinez)  
**Resolution No. 20070405-056 was approved.**

Items 35 through 38 were Executive Session items.

Items 39 through 51 were zoning items set for 4:00 p.m.

Items 52 through 54 were public hearings and possible actions set for 6:00 p.m.

#### **DISCUSSIONS ITEM**

13. Approve an ordinance amending Sections 13-2-302, 13-2-303(A), 13-2-304(A), 13-2-308(B) and 13-2-324(A) of the City Code relating to the maximum number of taxicab franchise permits that a franchisee is eligible to receive. Recommended by the Urban Transportation Commission.  
**Ordinance No. 20070405-013 was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

#### **CITIZEN COMMUNICATIONS: GENERAL**

L. V. Benoit - Regarding Lot on River Hills Rd. He was not present when his name was called.

Linda Yeattes - Crime in Henry Sector

Gayle Goff - Crime in the East Riverside/Oltorf Combined Neighborhood Planning Area

**Susan Wills spoke in place of Vincetta Green with The Right House Wellness Center - Loss of HIV Aids Funding for People of Color**

Kathy Correa - Traffic Problems resulting from Wal-Mart Northcross Plan

Ural Jarmon - Zoning

Hugh McCann - Living in the Allandale Neighborhood & Dealing with Lincoln Properties and the Northcross Site Plan

Kathie Goldsmith - Concern for the Northcross Development (Wal-Mart)

CarolAnneRose Kennedy - PRESIDENTIAL ASPIREnotions

**DISCUSSION ITEMS CONTINUED**

14. Approve an ordinance on first reading awarding a franchise to operate a taxicab service in the City, as authorized by the City Charter and pursuant to Section 13-2-309(C) of the City Code; and waiving the provisions of Section 13-2-309(B) of the City Code relating to the maximum number of permits that may be allocated to a franchise applicant. The taxicab permit fee of \$400 per year per permit is a revenue source. Expected annual revenue is \$22,000.

There was a motion approving the first reading of an ordinance awarding a franchise to Capital City Cab that was made by Council Member Cole, and seconded by Mayor Pro Tem Dunkerley.

The substitute motion to approve the first reading of the ordinance to award a franchise to Lonestar Cab was approved on Council Member Martinez' motion, Council Member Kim's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Council Members Kim, Leffingwell, and Martinez. Those voting nay were: Mayor Pro Tem Dunkerley, Council Members Cole and McCracken.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:56 p.m.

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

35. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)
36. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)
37. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Safety Officers Association. (Private Consultation with Attorney - Section 551.071)

The Mayor announced that Council would discuss item number 54 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:07 p.m.

**BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.**

Mayor Wynn recessed the Council Meeting at 4:09 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 4:19 p.m.

**DISCUSSION ITEMS CONTINUED**

28. Approve a resolution adopting the City's preliminary reinvestment zone financing plan for the Waller Creek area; authorize the City Manager to distribute to all other taxing jurisdictions, the financing plan and the City's notice of intent to designate the Waller Creek tax increment financing reinvestment zone ("TIF") and to hold a public hearing on the creation of the zone; and direct the City Manager to take other



steps as necessary to create the reinvestment zone, and negotiate the terms of an agreement with Travis County for its participation in the Waller Creek TIF, to be approved by City Council. (Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley )

**Resolution No. 20070405-028 was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

29. Approve a resolution creating a Charter Revision Committee composed of not less than nine members, including two members of the City Council, for the purpose of advising the City Council on proposed amendments to the City Charter. The additional seven members of the Committee shall be representative of the community and shall be appointed by the Council. (Council Member Mike Martinez Mayor Will Wynn Council Member Jennifer Kim)

**Resolution No. 20070405-029 was approved with the following amendments on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote. The amendments were: to limit the scope of study of the Committee to geographical representation for Council Members; reduce the composition of the Charter Revision Committee to seven citizens nominated by individual Council Members; and require Council approval by resolution to expand the Committee's scope of work.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

39. C14-06-0121 - The Domain - Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700-11000 Burnet Road, 11100-11900 Burnet Road; 2800 Block of Braker Lane and 3300 West Braker Lane (Walnut Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions. First reading approved on March 1, 2007. Vote: 7-0. Applicant: RREEF Domain, L.P. (Chad Marsh). Agent: Drenner+Golden, Stuart, Wolff, L.L.P. (Michele Haussmann). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to April 12, 2007 at the staff's request.**

40. C14-06-0211 - Valdez Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2819-2823 Manor Road (Boggy Creek Watershed) from neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. First reading approved on March 1, 2007. Vote: 7-0. Applicant: Valdez Trust (F. Gary & Doyle Valdez). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Robert Heil, 974-2330.

**Ordinance No. 20070405-040 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved.**

41. C14-06-0230 - Nomad Wine and Cheese - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1213 - 1215 Corona Drive (Tannehill Branch Watershed) from general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning. First reading approved on March 1, 2007. Vote: 7-0. Applicant: Sam Calliham. Agent: Permit Me (Maureen Morphew). City Staff: Robert Heil, 974-2330.

**Ordinance No. 20070405-041 for commercial-liquor sales (CS-1) district zoning was approved.**

### ZONING DISCUSSION ITEMS

42. C814-06-0068 - St. David's PUD - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 919-1025 East 32nd Street; 918-1004 East 32nd Street; 900 East 30th Street; and 3000-3018 North IH-35 (Waller Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning; general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning; and community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. First reading approved on December 7, 2006. Vote: 6-0 (Kim off the dais). Second reading approved on January 11, 2007. Vote: 7-0. Applicant: Columbia/St. David's healthcare System, L.P. (Malcom Belisle); St. David's Healthcare Partnership (Bruno & Judith Ybarra). Agent: Clark, Thomas & Winters, P.C. (John M. Joseph). City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20070404-042** was approved with the following amendments on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second was approved on a 7-0 vote. The amendments were: Part 5, B would read, "Section 25-2, Article 10 (Compatibility Standards) of the City Code applies to Zones 1, 4 and 5 of the PUD with the exception of heights and setbacks. Part 5, F. 2, would read as follows: "The following uses are accessory uses to the principal uses and shall comply with the requirements of Section 25-2-894 (Accessory Uses for a Principal Commercial Use). These accessory uses include but are not limited to: Administrative and business offices, building maintenance services, business support services, commercial blood plasma center, commercial off-street parking, food sales, general retail sales (convenience), hotel-motel, indoor entertainment, laundry services, off-site accessory parking, personal improvement services, personal services, professional office, recreational equipment maintenance and storage, research services, research testing services, research warehousing services, restaurant (limited), camp, club or lodge, college and university facilities, community events, community recreation (public), convalescent services, counseling services, daycare services (general), employee recreation, guidance services, residential treatment, safety services, and telecommunications tower. St. David's Health Care would agree per letter agreement to: 1) Provide upgraded onsite directional signage. 2) Request that CapMetro incorporate a link to the area commuter rail stop. 3) Maintain employee shift changes outside of 7:30-9:30 a.m. and 4:30-6:30 p.m. 4) Provided determined feasible, support a traffic signal at 30<sup>th</sup> Street and Red River which is synchronized with the 32<sup>nd</sup> Street signal. 5) Will join in request with neighborhood to widen 32<sup>nd</sup> Street to existing ROW and St. David's will dedicate property along 32<sup>nd</sup> Street for sidewalks provided no adverse impact in impervious cover.

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

43. C14-06-0194 - Mercury Hall - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3504 South First Street (East and West Bouldin Creeks Watersheds) from family residence (SF-3) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Merc Properties Ltd. (Daryl Kunik). Agent: LOC Consulting (Sergio-Lozano Sanchez). City Staff: Robert Heil, 974-2330.

**Ordinance No. 20070405-043** for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.

44. C14-06-0203 - Cullen Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9006 Cullen Lane (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Weldon J. Schmidt. Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Wendy Walsh, 974-7719.  
**This item was postponed to April 19, 2007 at the applicant's request.**
45. C14-06-0204 - Slaughter Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 160 Slaughter Lane (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: A. King Enterprises Management (Alma King Fancher). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Wendy Walsh, 974-7719.  
**This item was postponed to April 19, 2007 at the applicant's request.**
46. C14-06-0226 - Perry Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1141 1/2 - 1127 Perry Road (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Staff Recommendation: To grant single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant and Agent: Equity Partners (Chris Kager). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20070405-046 for single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning was approved.**
50. C14-05-0124 - Dessau Market - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12317 Dessau Road (Harris Branch Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Dessau 21, Ltd. (Mary Ann Joseph). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**Staff was directed to take this item back to the Transportation Commission.**
51. C14-06-0188 - Parker Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406-1506 Parker Lane (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Staff Recommendation: To deny multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Applicant: J. Ryan Dinepenbrok, Julia Schleber, Michael Hackett and Bryant Colman. Agent: Sergio Lozano-Sanchez (LOC Consulting). City Staff Robert Heil, 974-2330.  
**This item was postponed to May 17, 2007 at the applicant's request.**

ZONING DISCUSSION ITEM

47. NPA-06-0009.05 - Calavan - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to establish commercial mixed use designation on the future land use map (FLUM) for the property located at 1701, 1703 and 1705 East Martin Luther King Blvd. (Boggy Creek Watershed). Staff Recommendation: To deny commercial mixed use zoning. Planning Commission Recommendation: To grant commercial mixed use designation. Applicant and Agent: Calavan Family Partnership (Brooks Calavan). City Staff: Katie Halloran, 974-3500.  
The public hearing was closed and the first reading of the ordinance for office mixed use for the future land use map was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.
48. C14-06-0160 - Calavan - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701, 1703 and 1705 East Martin Luther King Blvd. (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To deny community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant and Agent: Calavan Family Partnership (Brooks Calavan). City Staff: Robert Heil, 974-2330.  
The public hearing was closed and the first reading of the ordinance for limited office-mixed use-conditional overlay-neighborhood planning (LO-MU-CO-NP) combining district zoning with a conditional overlay limiting development to no more than 2,000 vehicle trips per day and vertical mixed use with upper floors being residential was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Council Member Martinez was off the dais.

Mayor Wynn recessed the Council meeting at 5:30 p.m.

LIVE MUSIC

Palm School Choir

PROCLAMATION

Proclamation -- Texas Youth Poetry Slam Week -- to be presented by Mayor Will Wynn and to be accepted by Ron Horne

Proclamation -- Esther's Follies 30th Anniversary -- to be presented by Mayor Will Wynn and to be accepted by TBA

Proclamation -- Urban Soul Day -- to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation -- Tito's Handmade Vodka Month -- to be presented by Mayor Will Wynn and to be accepted by Tito Beveridge

Honorary Citizen Certificates -- Finnish Exchange Students visiting American Youthworks -- to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation -- Trinity Episcopal School CHAMPS Dog Day -- to be presented by Mayor Will Wynn and to be accepted by Trinity Episcopal School students

Mayor Wynn called the Council Meeting back to order at 6:30 p.m.

#### ZONING DISCUSSION ITEMS CONTINUED

49. C14-06-0231 - Mowinkle - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7219 Mowinkle Drive (Williamson Creek Watershed-Barton Springs Zone) from rural residence (RR) district zoning to single-family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Planning Commission Recommendation: To deny single-family residence-large lot (SF-1) district zoning. Applicant: Bobby Gloyd and D'Ann Quiroz. Agent: Ross Frie (Frie Planning and Development). City Staff: Robert Heil, 974-2330.  
The public hearing was closed and the first reading of the ordinance for single-family residence-large lot (SF-1) district zoning with a maximum of 20 units was approved on Mayor Pro Tem Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

#### PUBLIC HEARINGS AND POSSIBLE ACTION

52. Conduct a public hearing and approve a resolution authorizing the use of approximately 0.085 acres for a wastewater line, 0.180 acres for temporary work space and 0.359 acres temporary ingress/egress to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Austin Clean Water Program: Govalle 1 - West of Lamar Project through dedicated parkland known as Barton Creek Greenbelt, in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration, will be paid by requester. Recommended by the Parks Board, the Water and Wastewater Commission, and the Environmental Board.  
The public hearing was closed and Resolution No. 20070405-052 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.
53. Conduct a public hearing to consider a request for a waiver from the minimum distance requirement of City Code, Section 4-9-4(A) requiring 300 feet between a business that proposes to sell alcoholic beverages at 11220 North Lamar Blvd. ("Hong Duc Supermarket") and a public school, McBee Elementary School, at 1001 West Braker Lane.  
Resolution No. 20070405-053 was granted on Council Member Kim's motion and Council Member McCracken's second on a 7-0 vote.
54. Conduct a public hearing and approve an ordinance adding an Industrial Rider to the Large Primary Service - Special Contract Riders I & II in the Electric Rate Schedule in Exhibit A of Ordinance No. 20060911-004. Recommended by the Electric Utility Commission.  
The public hearing was closed and Ordinance No. 20070405-54 was approved on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 7:32 p.m.

#### EXECUTIVE SESSION CONTINUED

38. Evaluate the performance of and consider compensation and benefits for the City Manager. (Personnel Matters - Section 551.074--Related to item # 25)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 8:29 p.m.

**DISCUSSION ITEM CONTINUED**

25. Approve a resolution relating to the compensation and benefits for the City Manager. (related to item # 38) (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley )  
Resolution No. 20070405-025 was approved with the following adjustments to the City Manager's annual salary and benefits on Mayor Pro Tem Dunkerley's motion, Mayor Wynn's second on a 7-0 vote. The resolution increased the salary of the City Manager to \$240,639 annually, increased the accrual of personal leave to 23 hours per month and added the provision that at the time of retirement, the City will purchase retirement service credits equal to the value of eight months of salary.

Mayor Wynn adjourned the meeting at 8:40 p.m. without objection.

The minutes for the Regular Meeting of April 5, 2007 were approved on this the 12th day of April, 2007 on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Leffingwell was absent.